

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BENJAMIN L. FORTSON,

Plaintiff,

v.

**CITY ATTORNEY OFFICE OF LOS
ANGELES, ET AL.,**

Defendants.

CV12-05256 MWF (SP)

STIPULATED JUDGMENT

Courtroom: 3
Judge: Michael W. Fitzgerald
Magistrate Judge: Sheri Pym
Trial Date: None
Action Filed: 6/15/2012

Plaintiff BENJAMIN L. FORTSON, Defendants RICHARD TOMPKINS, KOSAL BUN, STEVEN ROSS, VICTOR BROWN and GERARDO HERNANDEZ (City Defendants), and Defendants CALIFORNIA BUREAU OF FIREARMS SPECIAL AGENTS E. HIGA, J. MEJIA, J. TORRES AND SUPERVISING SPECIAL AGENT SUPERVISOR C. PARSZIK (State Defendants, collectively, the Parties) hereby stipulate to entry of judgment as follows:

1. All remaining causes of action (unlawful search and seizure of apartment) are dismissed without prejudice.

1 If Plaintiff is successful challenging the previously-dismissed causes of action¹
 2 and parties² on appeal, such that the case returns to the District Court Level, any
 3 statute of limitations issue regarding the currently remaining causes of action
 4 (unlawful search and seizure of apartment) is deemed waived, and the case may
 5 proceed in its entirety.

6 2. The following defendants are DISMISSED WITH PREJUDICE:

7 California Department of Justice, Division of Law Enforcement, Bureau of
 8 Firearms; ("BOF"); Los Angeles City Attorney's Office; Carmen Trutanich; Bernie
 9 Brown; Malaika Cole; Alin Sahagian; Gregory Dorfman; E. Higa (official capacity
 10 only); Torres (official capacity only); Mejia (official capacity only); and Carol
 11 Parszik (official capacity only).

12 3. IT IS FURTHER ADJUDGED that the following defendants are
 13 DISMISSED WITHOUT PREJUDICE, but without leave to amend:

14 Rick Tompkins (official capacity only); Kosal Bun; Officer Wong (official
 15 capacity only); Officer Hernandez (official capacity only); and Officer Ross
 16 (official capacity only).

17 4. IT IS FURTHER ADJUDGED that the following claims are
 18 DISMISSED WITHOUT PREJUDICE, but without leave to amend:

19 5. Plaintiff's claims for violation of the Second Amendment, for failure to
 20 read *Miranda* warnings, for unlawful arrest, and for malicious prosecution.

21 IT IS SO ADJUDGED.

22 DATED: March 17, 2015



23 HON. MICHAEL W. FITZGERALD

24 ¹ Specifically, Plaintiff's Second Amendment, Failure to read *Miranda* warnings, unlawful arrest
 25 and malicious prosecution claims

26 ² Specifically, California Department of Justice, Division of Law Enforcement, Bureau of
 27 Firearms; ("BOF"); Los Angeles City Attorney's Office; Carmen Trutanich; Bernie Brown; Malaika Cole;
 28 Alin Sahagian; Gregory Dorfman; E. Higa (official capacity only); Torres (official capacity only); Mejia
 (official capacity only); and Carol Parszik (official capacity only); Rick Tompkins (official capacity only);
 Kosal Bun; Officer Wong (official capacity only); Officer Hernandez (official capacity only); and Officer
 Ross (official capacity only)